GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

UNSTARRED QUESTION NO:2808
ANSWERED ON:05.12.2007
LEGISLATION ON HIV AIDS
Sarma Dr. Arun Kumar

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether a special legislation on HIV/AIDS is under consideration of the Government;

(b) if so, the details thereof; and

(c) the time by which it is likely to be introduced?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH & FAMILY WELFARE (SMT.PANABAKA LAKSHMI)

(a) Yes, Sir.

(b) The salient features of the HIV/AIDS Bill are given in Annexure-'A'.

(c) The Bill is under consideration, and will be introduced after it has been vetted by Legislative Department.

ANNEXURE A

The Salient Features of the HIV/AIDS Bill 2007

The main objectives of the legislation are to prevent and control the spread of HIV/AIDS and protect the rights of those infected and affected by HIV/AIDS. The main chapters of the law include:

i. Prohibition of discrimination related to HIV/AIDS within the public and private spheres. This chapter addresses discrimination in employment, education, healthcare, travel, residence, accommodation, insurance etc. It also addresses the issue of hate and discriminatory speech in the HIV context.

ii. Requirement of informed consent for HIV- related testing. HIV-related treatment and HIV-related research. This chapter statutorises existing standards of informed consent and the exceptions to it.

iii. Guarantee of confidentiality of HIV-related information (including HIV + status) and exceptions to it.

iv. The right to access treatment related to HIV/AIDS as part of the right to health recognized under the Indian Constitution and the International Covenant on Economic, Social, and Cultural Rights to which India is a signatory. The chapter provides for access to comprehensive HIV-related treatment including diagnostics, ARVs, nutitional supplements etc.

v. The right to a safe working environment for health care workers and other persons whose occupation may put them at risk of exposure to HIV.

vi. Protection of strategies for risk reduction, which are otherwise subject to criminal sanction under various laws that have severely impeded risk reduction work with sex workers, injecting drug users and men who have sex with men in the past.

vii. Norms for Information, Education and Communication programmes and materials.

viii. The creating of innovative implementation mechanisms including institutional grievance redressal machinery. Health Ombudspersons and HIV/AIDS Authorities. This will be supported by Special Procedures to be followed in courts, including suppression of identity, speedy trials and proceedings etc.

ix. Special provisions for those who are disproportionately affected by the epidemic, particularly women, children and young persons and persons in the care and custody of the State who due to social, economic, legal and other factors find themselves more vulnerable to HIV.